

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CHAPTER 9. REGISTRAR OF CONTRACTORS

##### PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|-----------------------------|--------------------------|
| R4-9-117                    | Amend                    |
| R4-9-121                    | Repeal                   |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 32-1104(5) and (6)  
Implementing statute: A.R.S. § 32-1104(5) and (6)
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**  
Notice of Rulemaking Docket Opening: 8 A.A.R. 2849, July 5, 2002
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Alan Felber, Chief of Licensing  
Address: Registrar of Contractors  
800 W. Washington, 6th Floor  
Phoenix, AZ 85007  
Telephone: (602) 542-1525  
Fax: (602) 542-7852
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**  
Amend R4-9-117 to make the rule concise, understandable, gender neutral, and more useful to the agency in protecting the public from unscrupulous or unqualified contractors.  
R4-9-121 is an expired contractors' license fee schedule, which was replaced by R4-9-130.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
None
- 7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**  
The economic impact on all affected parties is favorable because the amendments to R4-9-117 will allow the Registrar of Contractors and Administrative Law Judges to consider prior citations and complaints in making decisions and orders.  
The change to R4-9-121 will have no economic effect because this rule is no longer used.

Notices of Proposed Rulemaking

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Alan Felber, Chief of Licensing  
Address: Registrar of Contractors  
800 W. Washington, 6th Floor  
Phoenix, AZ 85007  
Telephone: (602) 542-1525  
Fax: (602) 542-7852

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Written comments will be accepted until the close of record at the location listed in item #4 from 8:30 a.m. to 5:00 p.m., Monday through Friday.

Oral proceedings at which members of the public may appear and make comments regarding the rules or the economic, small business, and consumer impact statement will occur as follows:

Date: May 19, 2003  
Time: 9:00 a.m.  
Location: Industrial Commission of Arizona  
First Floor Auditorium  
800 W. Washington  
Phoenix, AZ 85007

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 9. REGISTRAR OF CONTRACTORS**

**ARTICLE 1. GENERAL PROVISIONS**

Section

R4-9-117. Prior record  
R4-9-121. ~~Schedule of Fees Through December 31, 1993~~ Repealed

**ARTICLE 1. GENERAL PROVISIONS**

**R4-9-117. Prior Record**

In any disciplinary proceeding conducted by the Registrar, the licensee's entire license file including the record of prior citations and decisions may be considered by the Registrar in making his a decision and order in the case, before him, provided these records are introduced into evidence.

**R4-9-121. ~~Schedule of Fees Through December 31, 1993~~ Repealed**

Until December 31, 1993, the following annual license application fees, annual license renewal fees and fees for other services shall be applicable in accordance with the provisions of A.R.S. §§ 32-1123.01 and 32-1126:

**1. RESIDENTIAL CONTRACTORS:**

- a. General Residential Contractor:  
Fee for license application \$300.00
- b. General Residential Contractor:  
Fee for license renewal \$160.00
- c. Specialty Residential Contractor:  
Fee for license application \$200.00
- d. Specialty Residential Contractor:  
Fee for license renewal \$135.00

**Notices of Proposed Rulemaking**

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- 2. ~~COMMERCIAL CONTRACTORS:~~
  - a. ~~General Commercial Contractor (includes  
General Engineering Contractor):~~
    - ~~Fee for license application      \$600.00~~
  - b. ~~General Commercial Contractor (includes  
General Engineering Contractor):~~
    - ~~Fee for license renewal      \$320.00~~
  - c. ~~Specialty Commercial Contractor:~~
    - ~~Fee for license application      \$400.00~~
  - d. ~~Specialty Commercial Contractor:~~
    - ~~Fee for license renewal      \$270.00~~
- 3. ~~FEES FOR OTHER SERVICES:~~
  - a. ~~Application to change qualifying party \$100.00~~
  - b. ~~Application to change name of licensee \$30.00~~
  - c. ~~Initial examination fee      \$60.50~~
  - d. ~~Retake examination fee      \$27.50~~